

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JEHAN ZEB MIR, M.D.,

Plaintiff,

MEDICAL BOARD OF CALIFORNIA,  
et al.,

Defendants.

Civil No. 12cv2340-GPC (DHB)

**ORDER REGARDING  
PLAINTIFF'S *EX PARTE*  
APPLICATION TO COMPEL  
WHITNEY TO ANSWER  
DEPOSITION QUESTION**

**[ECF No. 190]**

On August 10, 2016, Plaintiff Jehan Zeb Mir, M.D. ("Plaintiff") filed an *ex parte* motion requesting the Court compel Linda K. Whitney to answer a deposition question. (ECF No. 190.) The Court has reviewed Plaintiff's motion, and notes that Plaintiff has failed to comply with this Court's procedures for filing discovery motions. Specifically, Plaintiff has not complied with Section IV.C. of the undersigned Magistrate Judge's Civil Chambers Rules which requires the filing of a Joint Motion for Determination of Discovery Dispute.<sup>1</sup> Moreover, it appears Plaintiff did not meet and confer with defense counsel prior

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<sup>1</sup> The Chambers Rules are available at:

<https://www.casd.uscourts.gov/Rules/Lists/Rules/Attachments/17/Bartick%20Civil%20Chambers%20Rules.pdf>

1 to filing the instant motion. The duty to meet and confer prior to bringing a discovery  
2 motion is well established. It is required not only by this Court's Chambers Rules and the  
3 Southern District's Civil Local Rules, but also by the Federal Rules of Civil Procedure.  
4 *See* Fed. R. Civ. P. 37(a) (a motion to compel discovery "must include a certification that  
5 the movant has in good faith conferred or attempted to confer with the person or party filing  
6 to make disclosure or discovery in an effort to obtain it without court action"); Civ. L.R.  
7 26.1(a) ("The Court will entertain no motion pursuant to Rules 26 through 37, Fed. R. Civ.  
8 P, unless counsel will have previously met and conferred concerning all disputed issues.")  
9 In addition, Plaintiff failed to comply with the Court's rules governing *ex parte*  
10 applications. *See* Civ. L. R. 83.3(h)(2).

11 Plaintiff has been admonished several times that he must comply with the Court's  
12 rules. *See* ECF Nos. 146 at 2; 169 at 2-3; 170 at 2-3; 174 at 3-4; 175 at 3. Further, Plaintiff  
13 has been specifically and repeatedly warned that the failure to comply will result in motions  
14 not being considered. *See* ECF No. 169 at 3 ("**Plaintiff is advised that any future**  
15 **discovery motion filed after the date of this Order will not be considered unless the**  
16 **Court's rules and procedures are complied with.**"). *See also* ECF Nos. 170 at 2-3; 174  
17 at 3-4; 175 at 3.

18 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion is **DENIED**  
19 **without prejudice.**

20 **IT IS SO ORDERED.**

21 Dated: August 23, 2016

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23 DAVID H. BARTICK  
24 United States Magistrate Judge  
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